IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 14630 of 2005

Between:

Sri Resapu Atchaiah Reddy, s/o late Polaiah Reddy,
R/o 52-1-19, Resapuvanipalem, Visakhapatnam.

..... PETITIONER

AND

1 The District Collector, Visakhapatnam, District, Visakhapatnam.
2 The Deputy Chief Controller of Explosive Kendreya Sadan, Sulthan

Bazar, Hyderabad.
3 The General Manager, L.P.G.Depot Depot, D.No.3-6-436, III Floor,

Naspur Herse, Himayat Nagar, Hyderabad.
4 The Area Manager, Indane Area office, 8th Floor, LIC Building,

Visakhapatnam.
5 Sri S.Butchi Reddy, s/o Pola Reddy,
M/s.Happy Home, Indian Distributor, Door No.52-10-3,

Resapuvanipalem, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of mandamus declaring the action of the 5th respondent renewing his business licence through the respondent No.1 to 4 suppressing the fact that he has no godown (permanent) to run the business where the present lease period was expired long back in between the petitioner and 5th respondent with regard to business premises is illegal, arbitrary,

unconstitutional and against the principles of natural justice and consequently direct the respondents 1 to 4 not renewal the business licence of the 5th respondent without having valid business premises in which the present business premises lease period was expired long back and the petitioner is trying to evict the premises.

Counsel for the Petitioner: MR.P.VARA PRASAD RAO

Counsel for the Respondent No.1: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed by the petitioner who is stated to be the owner of the godown, which was let out to the 5th respondent in whose favour a licence was granted for LPG distribution.

2. It is stated that the petitioner did not renew the lease in favour of the 5th respondent. Therefore, the 5th respondent is not entitled to continue the godown belongs to the petitioner. Therefore, he made a representation to the official respondents i.e., respondents 1 to 4 requesting them not to renew the licence in favour of the 5th respondent. But the 5th respondent, suppressing the fact that he has no permanent godown, obtained renewal of licence. From the material on record the petitioner is seeking relief from the respondents 1 to 4 by which the petitioner could evict the 5th respondent from the godown, with reference to which the 5th respondent is a tenant. Therefore, the petitioner sought for a direction to the respondents not to renew the business licence of the 5th respondent.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for the official respondents and considered the material on record.

4. According to the petitioner, he is the owner of the godown, which is being used by the 5th respondent for storing the LPG cylinders. His case is that though originally he granted lease in favour of the 5th respondent, but that lease

period has already expired and the 5th respondent has not vacated the godown. The petitioner made a representation to the official respondents not to renew the licence in favour of the 5th respondent. But the 5th respondent obtained the renewal by suppressing the facts. Therefore, the petitioner made a representation to the official respondents seeking not to renew the licence in favour of the 5th respondent. As no action has been taken by the official respondents, the petitioner has come up with the present writ petition.

5. The dispute between the petitioner and the 5th respondent is a civil dispute i.e., landlord and tenant, and if the lease period had expired, which is in favour of the 5th respondent, it is always open to the petitioner to take appropriate legal proceedings to get the 5th respondent evicted, but he has no right to object for the renewal of the licence in favour of the 5th respondent. Similarly, the official respondents have nothing to do with the relationship of the petitioner and the 5th respondent as to the landlord and tenant. Therefore, even if any representation is made before the official respondents, they have no right to interfere with the dispute between the petitioner and the 5th respondent. The writ petition is, therefore, devoid of merits and the same is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. No order as to costs.

07th July, 2005 ----------

SKM S.ANANDA REDDY, J

To

1 The District Collector, Visakhapatnam, District, Visakhapatnam.
2 The Deputy Chief Controller of Explosive Kendreya Sadan, Sulthan Bazar, Hyderabad.
3 The General Manager, L.P.G.Depot Depot, D.No.3-6-436, III Floor, Naspur Herse, Himayat Nagar, Hyderabad.

4 The Area Manager, Indane Area office, 8th Floor, LIC Building,

Visakhapatnam.
5 Two C.Cs. to G.P. for Revenue, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

6 Two CD Copies.